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April 26, 2013

VIA FACSIMILE ONLY

Hon. Kevin Nathaniel Fox, Chief U.S.M.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

**Re: Liberty Mutual Insurance Company v. Zurich American
Insurance Company**
Civ. Action No. : 11-Civ-9357 (ALC)(KNF)

Dear Judge Fox:

We submit this joint letter application on behalf of plaintiff LIBERTY MUTUAL INSURANCE COMPANY ("Liberty Mutual") and defendant ZURICH AMERICAN INSURANCE COMPANY, at the suggestion of District Judge Andrew L. Carter and pursuant to your Honor's Settlement Procedures. The parties jointly submit this application seeking an adjournment sine die of the settlement conference currently scheduled for May 7, 2013.

This is a declaratory judgment action concerning insurance coverage. A pre-motion conference was held before Judge Carter on April 18, 2013, at which the parties agreed that the remaining issues should be resolved by way of summary judgment motions. As such, both parties believe that settlement negotiations would fail to result in any meaningful compromise. At the suggestion of Judge Carter, we make this application in the interest of judicial economy. We seek this adjournment until after the summary judgment motions are decided. Pursuant to the briefing schedule set at the conference, both motions are to be fully submitted by July 1, 2013.

This is the third request to adjourn the settlement conference. The Court granted the parties' first joint application, which was made together with a request for a

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30-day extension of the deadline for completion of fact discovery. The Court also granted the parties' second application, which was made due to a conflict with oral arguments before the Second Department.

Counsel has conferred, and both parties consent to this adjournment.

Respectfully submitted,

JAFFE & ASHER LLP

By: 

David R. Shyer

Respectfully submitted,

COUGHLIN DUFFY, LLP

By: 

Karen H. Moriarty

4/29/13

Based on the above, the
Settlement Conference scheduled
previously for May 7, 2013, is adjourned,
sine die. The parties shall advise
the undersigned magistrate judge of
the result of any motion(s) for summary
judgment, expeditiously.

SO ORDERED:

Kevin Nathaniel Fox

KEVIN NATHANIEL FOX, U.S.M.J.